

1 Rule 11. Signing of pleadings, motions, affidavits, and other papers; representations
2 to court; sanctions.

3 (a) Signature.

4 (a)(1) Every pleading, written motion, and other paper shall be signed by at least one
5 attorney of record ~~in the attorney's individual name~~, or, if the party is not represented ~~by~~
6 ~~an attorney, shall be signed~~ by the party. ~~Each paper shall state the signer's address~~
7 ~~and telephone number, if any.~~

8 (a)(2) A person may sign a paper using any form of signature recognized by law as
9 binding.

10 ~~Except when otherwise specifically provided Unless required~~ by ~~rule or~~ statute,
11 ~~pleadings a paper~~ need not be ~~verified or~~ accompanied by affidavit or have a notarized,
12 verified or acknowledged signature. If a rule requires an affidavit or a notarized, verified
13 or acknowledged signature, the person may submit a declaration pursuant to Utah Code
14 Section 46-5-101. If a statute requires an affidavit or a notarized, verified or
15 acknowledged signature and the party electronically files the paper, the signature shall
16 be notarized pursuant to Utah Code Section 46-1-16.

17 (a)(4) An unsigned paper shall be stricken unless omission of the signature is
18 corrected promptly after being called to the attention of the attorney or party.

19 (b) Representations to court. By presenting a pleading, written motion, or other
20 paper to the court (whether by signing, filing, submitting, or ~~later~~ advocating), an
21 attorney or unrepresented party is certifying that to the best of the person's knowledge,
22 information, and belief, formed after an inquiry reasonable under the circumstances,

23 (b)(1) it is not being presented for any improper purpose, such as to harass or to
24 cause unnecessary delay or needless increase in the cost of litigation;

25 (b)(2) the claims, defenses, and other legal contentions ~~therein~~ are warranted by
26 existing law or by a nonfrivolous argument for the extension, modification, or reversal of
27 existing law or the establishment of new law;

28 (b)(3) the allegations and other factual contentions have evidentiary support or, if
29 specifically so identified, are likely to have evidentiary support after a reasonable
30 opportunity for further investigation or discovery; and

(b)(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(c) Sanctions. If, after notice and a reasonable opportunity to respond, the court determines that subdivision (b) has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation.

(c)(1) How initiated.

(c)(1)(A) By motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). It shall be served as provided in Rule 5, but shall not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney fees incurred in presenting or opposing the motion. In appropriate circumstances, a law firm may be held jointly responsible for violations committed by its partners, members, and employees.

(c)(1)(B) On court's initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto.

(c)(2) Nature of sanction; limitations. A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation.

(c)(2)(A) Monetary sanctions may not be awarded against a represented party for a violation of subdivision (b)(2).

61 (c)(2)(B) Monetary sanctions may not be awarded on the court's initiative unless the
62 court issues its order to show cause before a voluntary dismissal or settlement of the
63 claims made by or against the party which is, or whose attorneys are, to be sanctioned.

64 (c)(2)(3) Order. When imposing sanctions, the court shall describe the conduct
65 determined to constitute a violation of this rule and explain the basis for the sanction
66 imposed.

67 (d) Inapplicability to discovery. Subdivisions (a) through (c) of this rule do not apply
68 to disclosures and discovery requests, responses, objections, and motions that are
69 subject to the provisions of Rules 26 through 37.

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